



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 13 1993

US EPA RECORDS CENTER REGION 5



498127

**MEMORANDUM**

REPLY TO THE ATTENTION OF:

**SUBJECT:** Entry of U.S. v. The Selmer Company, et al. Cost Recovery Consent Decree (Site D3 and 4Y)

**FROM:** Lynn Peterson, Chief  
Solid Waste and Emergency Response Branch

**TO:** Jodi Traub, Acting Associate Division Director  
Waste Management Division

Robert Springer, Assistant Regional  
Administrator for Planning and Management

Attached please find a copy of the EPA Enforcement Accounts Receivable Control Number Form for the U.S. v. The Selmer Company, et al., consent decree. The decree was entered in the United States District Court, Northern District of Indiana, Civil Action No. S89-00348, on September 28, 1993. The settlement provides for recovery of past costs under Section 107 of CERCLA and implementation of an on-site investigation at the facility under Section 106(a) of CERCLA. The facility is located at 500 Industrial Parkway, Elkhart, Indiana.

Pursuant to the consent decree, within 60 days of September 28, 1993, the defendants must pay to the United States, via Electronic Funds Transfer, referencing CERCLA Number 054Y and DOJ Case Number 90-11-2-461, the sum of \$445,000 plus interest on that amount for the period April 26, 1991 to the date of payment. Additionally, the defendants will pay oversight costs within 30 days of receipt of U.S. EPA's bill and itemized cost summary. The decree anticipates such billing will occur on an annual basis and that the defendants will submit certified checks in the amount of the billing to the "EPA Hazardous Substance Superfund", again referencing 054Y and DOJ Case Number 90-11-2-461.

The attorney assigned to this case in the Office of Regional Counsel is Elizabeth Murphy. She may be contacted at 886 - 0748, if your staff have any questions.

**Attachments**

**cc:** Mary Ellen Ryan, Acting Chief  
Superfund Accounting Section (w/ attachments)

Ken Theisen, OSC (w/ attachments)

CSC Contracto (w/o attachments)

Oliver Warnsley, Chief

Cost Recovery Unit (w/o attachments)

Elizabeth Murphy (w/o attachment)

Frank Bentkover, DOJ (w/o attachments)

**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

**Instructions for Completion (Check Applicable Description(s))**

**Non Superfund Administrative Orders and Settlements**

Regional Hearing Clerk prepares this form and sends a copy to FBM with copy of the order; FBM adds tracking number, then FBM sends copies of the form with copy of the first page of the order to the Program Office and ORC. Program Office sends copy of the CAFO transmittal letter to FMB. FBM collects payment.

**Superfund Administrative Orders and Settlements**

Waste Management prepares this form, and sends copies to the Clerk Docket Log [WMD], SFA [PMD], and ORC with copy of the order. FMB collects payment.

**Non Superfund Judicial Orders and Settlements**

ORC prepares this form, includes the form in its settlement sign-off package and sends copies to Tom Pernell [ORC], FBM, the Program Office and the Debt Tracking Officer, Environmental Enforcement Section, DOJ, Rm. 1647D, P.O. Box 7611, Benjamin Franklin Station, Washington, D.C. 20044, with a copy of the order. U.S. Attorney collects payment.

**Superfund Judicial Orders and Settlements**

ORC prepares this form, includes the form in its settlement sign-off package and sends copies to Tom Pernell [ORC], Superfund Program Management Branch - Cost Recovery Unit [WM], and SFA. FMB collects payment.

**New Action**

**Modification of Existing Administrative or Judicial Action**  
**[Including Bankruptcy Stays or Discharges]**

**\$445,000 + Interest**  
**Amount of Settlement**

**[If installment, attach schedule, dates, and amounts]**

**589-00348**  
**Docket Number**

**503/044**  
**Superfund Site Specific Number**

**Removal**  
**Waste Management Program Office**

*Superior St.  
Elkhart, IN*

**Elizabeth Murphy**  
**Name of Person Preparing Form**

**10-7-93**  
**Date of Preparation**

**6-0748, CS-3T**  
**Telephone Number and Office Code**

**To Be Completed By Financial Management Branch**

**IFMS Accounts Receivable Control Number**

**FBM Contact and Telephone Number**